

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

SEP - 7 2006
CLERK
U.S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:06cr222-WKW
) [21 USC 841(a)(1);
 JELA SHERMARKIE MARSHALL) 18 USC 924(c)(1);
) 18 USC 922(g)(1)]
)
) INDICTMENT

The Grand Jury charges:

COUNT 1

On or about June 16, 2006, in Lee County, within the Middle District of Alabama,

JELA SHERMARKIE MARSHALL,

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, to-wit: marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about June 16, 2006, in Lee County, within the Middle District of Alabama,

JELA SHERMARKIE MARSHALL,

defendant herein, knowingly used and carried a firearm during and in relation to, and possessed a firearm in furtherance of, a drug trafficking crime for which he may be prosecuted in a Court of the United States, to-wit: possession with intent to distribute marijuana as charged in Count 1 of this indictment, in violation of Title 18, United States Code, Section 924(c)(1).

COUNT 3

On or about June 16, 2006, in Lee County, within the Middle District of Alabama,

JELA SHERMARKIE MARSHALL,

defendant herein, having been convicted of a felony, a crime punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama, to-wit:

- 1) December 3, 2004, Shooting into an Occupied Building, in the Circuit Court of Lee County, Alabama, case number CC 2004-46;

did knowingly possess in and affecting commerce a firearm, to-wit: a Ruger, Model P94 .40 caliber pistol. All in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION - 1

A. Counts 1 through 3 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation as alleged in Count 1 of this indictment, the defendant,

JELA SHERMARKIE MARSHALL,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendant obtained, directly or indirectly, as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count 1.

C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or,

(5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.

All in violation of Title 21, United States Code, Section 841.

FORFEITURE ALLEGATION - 2

A. Counts 1 through 3 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for any violation as alleged in Counts 2 and 3 of this indictment, the defendant,

JELA SHERMARKIE MARSHALL,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

One Ruger, Model P94 .40 caliber pistol.

C. If any of the property described in this forfeiture allegation, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

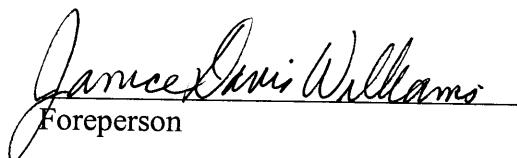
(2) has been transferred, sold to, or deposited with a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or,
(5) has been commingled with other property which cannot be divided without difficulty, the United States, pursuant to Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), intends to seek an Order of this Court forfeiting any other property of said defendant up to the value of the property described in the above paragraphs.

All in violation of Title 18, United States Code, Section 922.

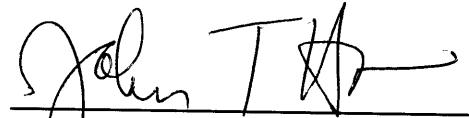
A TRUE BILL:



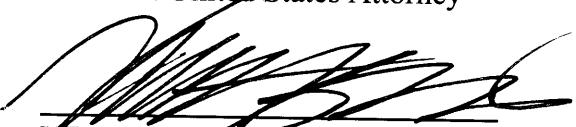
Janice Davis Williams
Foreperson



Leura G. CANARY
United States Attorney



John T. HARMON
Assistant United States Attorney



Verne H. SPEIRS
Assistant United States Attorney